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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Engelhardt et al.

Serial No. 09/302,816

Filed: March 31, 1998

Title: NOVEL NUCLEIC ACID COPY
PRODUCING PROCESSES

Group Art Unit: 1655

Ex'r: Arun Chakrabarti, Ph.D.

527 Madison Avenue, 9th Floor
New York, New York 10022
November 12, 2002

FILED BY EXPRESS MAIL

Honorable Commissioner
of Patents and Trademarks
Washington, D.C. 20231

Box DAC

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NOV 18 2002

OFFICE OF PETITIONS

Attention: Office of Deputy Assistant
Commissioner for Patents
2121 Crystal Drive
Crystal Park 2 - Suite 913
Arlington, Virginia 22202

**PETITION UNDER 37 C.F.R. §1.137(b) TO REVIVE
AN UNINTENTIONALLY ABANDONED APPLICATION**

Dear Sirs:

Applicants submit this Petition to the Commissioner under the provisions of 37 C.F.R. §1.137(b) to revive the above-identified application in which taking action was unintentionally delayed. A response to the Office Action issued on August 9, 2001 was originally due on November 9, 2001. Because November 9, 2002 falls on a Saturday, under 37 C.F.R. §1.7, action may be taken on the next succeeding day which is not a Saturday, Sunday or a Federal holiday. Accordingly, action may be taken in this instance on November 12, 2002, and this Petition will be considered as having been timely filed.

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Dean L. Engelhardt et al.

Serial No. 09/302,816

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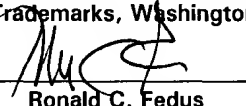
Page 2 (Petition to Revive an Unintentionally Abandoned Application
Under 37 C.F.R. §1.137(b) - November 12, 2002)

EXPRESS MAIL CERTIFICATE

"Express Mail" Label No. EL647884478US

Deposit Date November 12, 2002

I hereby certify that this paper and the attachments
herein are being deposited with the United States Postal
Service "Express Mail Post Office to Addressee" service
under 37 CFR 1.10 on the date indicated above and is
addressed to the Commissioner of Patents and
Trademarks, Washington DC 20231.


Ronald C. Fedus
Reg. No. 32,567

NOV 12 2002
Date

Dean L. Engelhardt et al.

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Page 3 (Petition to Revive an Unintentionally Abandoned Application

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The above-identified application became unintentionally abandoned after November 9, 2001, which was the date that a response to the August 9, 2001 Office Action was originally due. A Notice of Abandonment is believed to have been subsequently mailed, although the Assignee does not have the Notice in its patent files for this application. Thus, no copy of the Notice is attached to this Petition.

It is hereby requested that this application be revived because the delay in taking action was unintentional as was the delay in filing the response to the August 9, 2001 Office Action. A Terminal Disclaimer To Accompany Petition is attached to this paper as Exhibit 1.

A response to the August 9, 2001 Office Action in the form of an Amendment Under 37 C.F.R. §1.115 is being submitted concurrently herewith and is attached as Exhibit 2.

The small entity fee for filing this Petition is \$620.00. Small entity status was previously established in this application and is still applicable. The Patent and Trademark Office is hereby authorized to charge Deposit Account No. 05-1135 for the requisite small entity fee of \$620.00 set forth in 37 C.F.R. §1.17(m). The Patent and Trademark Office is further authorized hereby to charge Deposit Account No. 05-1135 for any other fees required in connection with this Petition and the attached Amendment, or to credit any overpayment thereto.

A duplicate copy of this Petition but without attached Exhibits 1 and 2 is also submitted herewith.

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Dean L. Engelhardt et al.

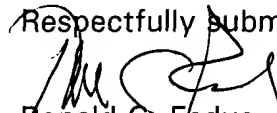
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Page 4 (Petition to Revive an Unintentionally Abandoned Application
Under 37 C.F.R. §1.137(b) - November 12, 2002)

Favorable action on this Petition is earnestly solicited.

Respectfully submitted,



Ronald C. Fedus

Registration No. 32,567

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